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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/364,522
Filing Date: July 30, 1999
Appellant(s): HORVITZ ET AL.

Michael Medley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/26/05 appealing from the Office action mailed 05/25/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 02/21/1996, Available:

http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMe

n.

Cohen, "Learning Rules that Classify E-mail", 1996 (as disclosed at http://www-2.cs.cmu.edu/~wcohen/pubs-t.html).

Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 8-12, 19-28, 32-34, 37, 41- 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 2/21/1996, Available:

http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen in view of Cohen, "Learning Rules that Classify E-Mail", 1996 (as disclosed at http://www-2.cs.cmu.edu/~wcohen/pubs-t.html) and Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM.

In reference to claims 1, 19, and 26, Forscher teaches a message organizing system in which he specifically focuses on email prioritization. See page 3. Forscher's project description comprises the following features:

-An email parsing state in which mail messages are read from a given file or input. See page 4. Compare to ***"receiving a document"***.

-Based on the priorities, the prioritization stage will assign an integer priority to the message. A word with a certain priority can then set off his or her pager. See page 3. Compare to ***"alerting a user to the document based on a predetermined criteria"***.

-A prioritization stage in which the document will be scanned for keywords obtained from a user-defined keyword/priority setup file. See pages 4-5.

Forscher teaches the user of a document classifier; however, he does not teach a trained classifier, but Cohen does. Cohen's "Learning Rules that Classify E-mail" teaches a trained classifier for purposes of prioritizing a document. Cohen discloses the use of a learning text classifier to help with classification problems when filtering and filing personal e-mail messages. Cohen discloses the use of a Bayesian text classifier. See page 1, column 2 and page 3. Cohen teaches training text classifiers. See page 2, *Learning Algorithms*. Cohen further teaches the use of training data and training sets. Compare to ***"a trained document classifier"***. It would have been obvious to a person of ordinary skill in the art at the time of the invention to implement Cohen's "trained document classifier" into Forscher's system of prioritizing documents and alerting the user based on a predetermine criteria because a classifier that can be trained would allow the construction of a system for filtering and classifying documents such as e-mail,

Netnews articles, or Web pages in a manner where traditional keyword-spotting (as taught by Forscher) fails to provide the accuracy that is gained by using a trained classifier. See Cohen's "Learning Rules that Classify E-mail", pages 1-2 in which Cohen discloses the advantages of using a trained classifier over the traditional keyword spotting techniques as taught by Forscher. Compare to ***"generating a priority of the document based on a trained document classifier;"***. .

Forscher and Cohen do not disclose ***"determining whether a user is busy"***; however, Lewis discloses an agent program for alerting a user when a relevant message appears. See page 246, column 2. Lewis takes into account the expected loss of non-review and alerts the user based on the expected loss. Lewis alerts the user based on the expected loss of non-review because ***"users want to examine at least some of the available information. Many users, however, are actively avoiding information. They want to spend no time with, and have no awareness of, a particular information source unless highly relevant material becomes available. The decision of which items, if any, are grounds for disturbing the user becomes critical."***. See page 246, 2nd column. It would have been obvious to a person of ordinary skill in the art at the time of the invention that Lewis's determination of the expected loss of non-review and alerting the user based on that determination takes into account that the user is busy and thus only disturbs the user and alerts the user to "highly relevant material" when appropriate. Lewis further recognizes that alerting the user based on the decision of which items are important is "grounds for disturbing the user" thus he is considering whether the user is busy because there

would be no need to determine the loss of non-review if the user has already viewed the document. See page 246. It would have been obvious to a person of ordinary skill in the art at the time of the invention to determine whether the user is busy as taught by Lewis in the system of Forscher/Cohen because it calls the user's attention to important or highly relevant material that have been received and need to be reviewed. See page 246 of Lewis.

In reference to claims 2, 20, and 34, Forscher's system deals with documents in an email system. See page 3.

In reference to claims 3, 21, 28, and 37, Forscher teaches that based on the priority of the document and user settings, a user's pager may go off when receiving a word with a certain priority. See page 3. Compare to ***"alerting the user comprises playing a sound based on the predetermined criteria"***.

In reference to claims 9, 23, and 41 Forscher teaches that based on the priorities, the prioritization stage will assign an integer priority to the message. A word with a certain priority can then set off his or her pager. See page 3.

In reference to claim 43, it was well-known in the art at the time of the invention to utilize computer programs for performing steps such as alerting, classifying.

In reference to claims 8 and 22, Forscher/Cohen teaches setting off a user's pager depending on the priority of a message; however, does not teach opening an agent based on the predetermined criteria; however, Lewis does. Lewis teaches the use of an agent program which monitors and alerts a user when a relevant message appears based on the ranked retrieval system. It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Forscher/Cohen with Lewis' teachings of opening an agent program to monitor and alert users of relevant messages because Forscher/Cohen alerts users based on document priority which is in essence a "relevant message". Furthermore, providing an agent to monitor and alert users of relevant messages in the system of Forscher would allow the user to be notified of high priority documents.

In reference to claims 10, 24, and 42, Forscher/Cohen teaches alerting a user via a pager upon receiving a relevant document; however he does not determine when the user is busy and alerting the user upon the priority exceeding a threshold. Lewis discloses a document categorization system that determines the cost of a document and ranks the retrieval of the system. The user is alerted when text considered to be relevant appears. The system determines the effectiveness of reviewing a document using a text classifier. See pages 246-249. Lewis does not state determining if the user is busy; however, he does take into account the expected loss of non-review and alerts the user based on that. It would have been obvious to one of ordinary skill in the art to determine if the user was busy or not since it takes into account the loss of not reviewing a message at the given time. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Lewis into the system of Forscher/Cohen since a user would want to review a document of high priority or importance, thus alerting the user upon the priority exceeding a threshold would draw the user's attention to important messages.

In reference to claims 11 and 25, Forscher/Cohen does not teach displaying a plurality of documents in order according to priority; however, Lewis teaches ranking documents such that the best documents are displayed first followed by the ranking of other documents. See page 246. It would have been obvious to modify Forscher/Cohen's system with displaying high priority documents first when displaying a plurality of documents since it is the first document that draws a user's attention. Thus providing the most important or highest priority document would be obvious in order to acquire attention from the user.

In reference to claim 12, Forscher/Cohen does not teach displaying a plurality of documents having a greater priority than a threshold; however, Lewis teaches ranking the documents according to some predefined criteria. Setting a threshold at one of the predetermined criteria (such as importance or rank) would have been obvious to one of ordinary skill in the art at the time of the invention as a means of filtering out less important documents. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Lewis into the system of Forscher/Cohen since a user would want to review a document of high priority or importance, thus alerting the user upon the priority exceeding a threshold would draw the user's attention to important messages. See Lewis pages 246-249.

In reference to claim 27, Lewis teaches filtering documents based on priority. See page 246. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Lewis into the system of Forscher since a user would want to review a document of high priority or importance, thus filtering the

documents such that only important messages are delivered would be an efficient way of presenting high priority documents to the user without providing the less important documents that may distract a user.

In reference to claims 32 and 33, Forscher/Cohen does not teach an interaction context; however, Lewis discloses a document categorization system determines the cost of a document and ranks the retrieval of the system. The user is alerted when document considered to be relevant appears. The system determines the effectiveness of reviewing a document using a document classifier. See pages 246-249. It is inherent in Lewis's system that a user would be able to access the document once alerted to its importance via a "user gesture" as suggested in on page 246 where Lewis discloses an "agent" program where a user is alerted to relevant messages in order to make sure there is no oversight by ignoring the documents. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Lewis' teachings of an interaction context in the system of Forscher/Cohen as Lewis's system allows a user to access important documents that need to be addressed immediately.

Claims 4-7, 29, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 2/21/1996, Available:

http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen , in view of Cohen, "Learning Rules that Classify E-Mail", 1996 (as disclosed at http://www-2.cs.cmu.edu/~wcohen/pubs-t.html and Lewis, "Evaluating and Optimizing Autonomous

Text Classification Systems", 1995 ACM, as applied in claim 1, 19, and 26 above, and further in view of Henderson et al., US 6,185,603 B1, 2/6/01 (filed 3/13/97).

In reference to claims 4 and 38, Forscher/Cohen does not teach opening the document based on the predetermined criteria; however, Henderson does. Henderson teaches a means in which a message can be opened on a recipient's workstation based on the predetermined code. See column 3. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher/Cohen's predetermined criteria settings with a means for opening the document based on the criteria as taught by Henderson since opening the document based on a criteria would provide a means to notify the user immediately of a document that needs attention just as Forscher's settings for alerting a pager would.

In reference to claims 5, 29, and 40, Forscher/Cohen does not teach sizing the document based on its priority; however, Henderson teaches a system in which the user can control the display features of an email message. In column 8, Henderson discloses that messages having difference priority display attributes can be displayed in different sizes. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher/Cohen's predetermined criteria settings with a means for sizing the document based on the criteria as taught by Henderson since both Forscher/Cohen and Henderson are concerned with the ranking, delivery, and alerting of messages to a user and a sizes can indicate importance of document (i.e. a larger display size may indicate a higher priority).

In reference to claims 6 and 39, Henderson teaches a system in which the user can control the display features of an email message. This can include centrally locating the document. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher/Cohen's predetermined criteria settings for controlling display features of the document based on the criteria as taught by Henderson since centrally located documents acquire the user's attention better than any other location on a display device.

In reference to claim 7, Henderson teaches a system in which the user can control the display features of an email message. Display features can include the document focus. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher/Cohen's predetermined criteria settings for controlling display features of the document based on the criteria as taught by Henderson since focus is used to direct a user's attention to the most important item on the display device.

Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 2/21/1996, Available: http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen , in view of Cohen, "Learning Rules that Classify E-Mail", 1996 (as disclosed at http://www-2.cs.cmu.edu/~wcohen/pubs-t.html, and Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM, as applied in claim 26 above, and further in view of Doi, US 5,077668, 12/31/91.

In reference to claims 30 and 31, Forscher/Cohen does not teach a brief to provide the user a summary of documents when the user is busy or away; however, Lewis discloses a system in which an agent program monitors text streams and alerts a user when a relevant message appears. Lewis' system takes into account the expected cost of non-review at a current time and delivers the message depending on certain criteria. Thus if there is not an expected loss of non-review, the message can viewed at a future time. It would have been obvious to one of ordinary skill in the art to determine if the user was busy or not since it takes into account the loss of not reviewing a message at the given time. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Lewis into the system of Forscher/Cohen since a user would want to review a document of high priority or importance, thus alerting the user upon the priority exceeding a threshold would draw the user's attention to important messages. Lewis does not teach a brief to provide the user a summary of the documents; however, Doi teaches a method for producing an abstract of a document in which the content of the document is reflected by preselected words of significant phrases that can reflect content of the document. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher/Cohen/Lewis' system to incorporate a summary for the document, as taught by Doi, in order to characterize documents by providing a synopsis of the highest priority documents since it allows a user to quickly review the important documents without examining all the detail.

Claims 13-14, 16, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 2/21/1996, Available: http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen , in view of Cohen, "Learning Rules that Classify E-Mail", 1996 (as disclosed at http://www-2.cs.cmu.edu/~wcohen/pubs-t.html) and Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM and further in view of Platt, US Patent 6,327,581, 12/4/01 (filed 4/6/98).

In reference to claims 35-36, Forscher does not teach training the document classifier comprising one of a Bayesian classifier and a support-vector machine classifier; however, Cohen discloses the use of a Bayesian text classifier. See page 1, column 2 and page 3. Cohen teaches training text classifiers. See page 2, *Learning Algorithms*. Cohen teaches the use of training data and training sets. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Cohen's training of a text classifier using a Bayesian classifier as the classifier used in Forscher's system since it was a well-known method of training text classifier at the time of the invention and Forscher teaches using a classifier to generate priorities.

Cohen does not disclose training a document classifier comprising a support-vector machine classifier; however, Platt teaches a method of building a support-vector machine based classifier. Since it was well known in the art at the time of the invention to utilize a support vector machine classifier, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a document classifier for

prioritizing documents using a support-vector machine classifier. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Platt's training of a text classifier using a support-vector machine based classifier as the classifier used in Forscher's system since it was a well-known method of training text classifier at the time of the invention and Forscher teaches using a classifier to generate priorities.

It would have been obvious to one of ordinary skill in the art to incorporate any one of Cohen's Bayesian classifier or Platt's support-vector machine classifier in the system of Forscher since both were well-known methods of training text classifier at the time of the invention and Forscher teaches using a classifier to generate priorities.

In reference to claim 13, Forscher teaches a message organizing system in which he specifically focuses on email prioritization. See page 3. Forscher's project description comprises the following features:

-An email parsing state in which mail messages are read from a given file or input. See page 4. Compare to ***"receiving a document comprising an email"***.

-A prioritization stage in which the document will be scanned for keywords obtained from a user-defined keyword/priority setup file. See pages 4-5. Compare to ***"generating a priority of the document based on a document classifier;"***.

-Based on the priorities, the prioritization stage will assign an integer priority to the message. A word with a certain priority can then set off his or her pager. See page 3. Compare to ***"alerting a user to the document based on a predetermined criteria"***.

Forscher does not teach training the document classifier comprising one of a Bayesian classifier and a support-vector machine classifier; however, Cohen discloses the use of a Bayesian text classifier. See page 1, column 2 and page 3. Cohen teaches training text classifiers. See page 2, *Learning Algorithms*. Cohen teaches the use of training data and training sets. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Cohen's training of a text classifier using a Bayesian classifier as the classifier used in Forscher's system since it was a well-known method of training text classifier at the time of the invention and Forscher teaches using a classifier to generate priorities.

Cohen does not disclose training a document classifier comprising a support-vector machine classifier; however, Platt teaches a method of building a support-vector machine based classifier. Since it was well known in the art at the time of the invention to utilize a support vector machine classifier, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a document classifier for prioritizing documents using a support-vector machine classifier. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Platt's training of a text classifier using a support-vector machine based classifier as the classifier used in Forscher's system since it was a well-known method of training text classifier at the time of the invention and Forscher teaches using a classifier to generate priorities.

It would have been obvious to one of ordinary skill in the art to incorporate any one of Cohen's Bayesian classifier or Platt's support-vector machine classifier in the

system of Forscher since both were well-known methods of training text classifier at the time of the invention and Forscher teaches using a classifier to generate priorities. Forscher and Cohen do not disclose ***"determining whether a user is busy"***; however, Lewis discloses an agent program for alerting a user when a relevant message appears. See page 246, column 2. Lewis takes into account the expected loss of non-review and alerts the user based on the expected loss. Lewis alerts the user based on the expected loss of non-review because ***"users want to examine at least some of the available information. Many users, however, are actively avoiding information. They want to spend no time with, and have no awareness of, a particular information source unless highly relevant material becomes available. The decision of which items, if any, are grounds for disturbing the user becomes critical."***. See page 246, 2nd column. It would have been obvious to a person of ordinary skill in the art at the time of the invention that Lewis's determination of the expected loss of non-review and alerting the user based on that determination takes into account that the user is busy and thus only disturbs the user and alerts the user to "highly relevant material" when appropriate. Lewis further recognizes that alerting the user based on the decision of which items are important is "grounds for disturbing the user" thus he is considering whether the user is busy because there would be no need to determine the loss of non-review if the user has already viewed the document. See page 246. It would have been obvious to a person of ordinary skill in the art at the time of the invention to determine whether the user is busy as taught by Lewis in the system

of Forscher/Cohen because it calls the user's attention to important or highly relevant material that have been received and need to be reviewed. See page 246 of Lewis.

In reference to claim 14, Forscher teaches that based on the priority of the document and user settings, a user's pager may go off when receiving a word with a certain priority. See page 3. Forscher teaches that based on the priorities, the prioritization stage will assign an integer priority to the message. A word with a certain priority can then set off his or her pager. See page 3.

In reference to claim 16, Forscher teaches that based on the priorities, the prioritization stage will assign an integer priority to the message. A word with a certain priority can then set off his or her pager. See page 3.

Claims 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 2/21/1996, Available:

http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen , in view of Cohen, "Learning Rules that Classify E-Mail", 1996 (as disclosed at http://www-2.cs.cmu.edu/~wcohen/pubs-t.html), Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM and Platt, US Patent 6,327,581, 12/4/01 (filed 4/6/98), as applied to claim 13 above, and further in view of Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM.

In reference to claim 15, Forscher teaches setting off a user's pager depending on the priority of a message; however, does not teach opening an agent based on the predetermined criteria; however, Lewis does. Lewis teaches the use of an agent

program which monitors and alerts a user when a relevant message appears based on the ranked retrieval system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher with Lewis' teachings of opening an agent program to monitor and alert users of relevant messages because Forscher alerts users based on document priority which is in essence a "relevant message". Furthermore, providing an agent to monitor and alert users of relevant messages in the system of Forscher would allow the user to be notified of high priority documents.

In reference to claim 17, Forscher teaches alerting a user via a pager upon receiving a relevant document; however he does not determine when the user is busy and alerting the user upon the priority exceeding a threshold. Lewis discloses a document categorization system that determines the cost of a document and ranks the retrieval of the system. The user is alerted when text considered to be relevant appears. The system determines the effectiveness of reviewing a document using a text classifier. See pages 246-249. Lewis does not state determining if the user is busy; however, he does take into account the expected loss of non-review and alerts the user based on that. It would have been obvious to one of ordinary skill in the art to determine if the user was busy or not since it takes into account the loss of not reviewing a message at the given time. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Lewis into the system of Forscher since a user would want to review a document of high priority or importance, thus alerting the user upon the priority exceeding a threshold would draw the user's attention to important messages

In reference to claim 18, Forscher does not teach displaying a plurality of documents having a greater priority than a threshold; however, Lewis teaches ranking the documents according to some predefined criteria. Setting a threshold at one of the predetermined criteria (such as importance or rank) would have been obvious to one of ordinary skill in the art at the time of the invention as a means of filtering out less important documents. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Lewis into the system of Forscher since a user would want to review a document of high priority or importance, thus alerting the user upon the priority exceeding a threshold would draw the user's attention to important messages.

(10) Response to Argument

With respect to claims 1, 4-7, 13-18, 29-31, 35-36, and 38-40, Appellant argues the claimed limitation "determining whether a user is busy" is not taught or suggested by Forscher, Cohen, and Lewis. Examiner respectfully disagrees. Lewis discloses an agent program for alerting a user when a relevant message appears. See page 246, column 2. Lewis takes into account the expected loss of non-review and alerts the user based on the expected loss. Lewis alerts the user based on the expected loss of non-review because ***"users want to examine at least some of the available information. Many users, however, are actively avoiding information. They want to spend no time with, and have no awareness of, a particular information source unless highly relevant material becomes available. The decision of which items, if any, are grounds for disturbing the user becomes critical."***. See page 246, 2nd column.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that Lewis's determination of the expected loss of non-review and alerting the user based on that determination takes into account that the user is busy and thus only disturbs the user and alerts the user to "highly relevant material" when appropriate. Lewis further recognizes that alerting the user based on the decision of which items are important is "grounds for disturbing the user" thus he is considering whether the user is busy because there would be no need to determine the loss of non-review if the user has already viewed the document (i.e. the user is not busy). See page 246. Appellant further argues that the decision to decide if a user should be disturbed does not teach that the user is busy. However, Lewis only "disturbs" the user if the information is highly important thus he is assuming the user is busy otherwise there would be no need to "disturb" a user.

Furthermore, the steps of receiving a document, determining a priority of the document based on a trained document classifier, and alerting the user to the document based on a predetermine criteria can occur whether or not the user is busy. In other words, the step of determining whether a user is busy is not a requirement to alerting a user to the document based on a predetermined criteria as currently claimed (i.e. the determining whether a user is busy is not a prerequisite as to whether the user is altered to a document based on a predetermined criteria. The two steps are not interrelated).

With respect to claim 32, Appellant argues the cited references do not teach "an interaction context that is active for a period of time following an alert, allowing a user to

make a gesture while the interaction context is active to view the document". Forscher/Cohen does not teach an interaction context; however, Lewis discloses a document categorization system determines the cost of a document and ranks the retrieval of the system. The user is alerted when document considered to be relevant appears. The system determines the effectiveness of reviewing a document using a document classifier. See pages 246-249. It is inherent in Lewis's system that a user would be able to access the document once alerted to its importance via a "user gesture" as suggested in on page 246 where Lewis discloses an "agent" program where a user is alerted to relevant messages in order to make sure there is no oversight by ignoring the documents. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Lewis' teachings of an interaction context in the system of Forscher/Cohen as Lewis's system allows a user to access important documents that need to be addressed immediately. Furthermore, there would be no reason to alert a user of highly relevant material if there was no means for a user to access that material. Thus it is implicitly inherent that Lewis's system provides for a means to interact with the classification system so that a user can view the relevant document.

In view of comments and rejection above, Examiner's positioned is maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Rachna Singh

Conferees:

Heather Herndon
Supervisory Patent Examiner Art Unit 2176

HEATHER R HERNDON
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11/28/2005

WILLIAM BASHORE
PRIMARY EXAMINER